



Don't Trust, Don't Fear, Don't Beg: A Feminist Analysis of TTIP

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About Merle Gosewinkel

Having been active in different social movements previously, Merle Gosewinkel joined the team of the Women Peacemakers Program in 2009, where she now holds the position of Senior Program Officer. One of her main tasks includes the coordination of the WPP Training of Trainer Programs and Consultations. Merle Gosewinkel has studied European Anthropology and Gender Studies at the Humboldt University in Berlin and holds a Master Degree in Sociology with the focus on Gender, Sexuality and Society from the University of Amsterdam.



The Transatlantic Trade and Investment Partnership (TTIP) is a free trade and investment treaty currently being negotiated - behind closed doors - between the European Union and the United States. According to their governments, TTIP's main aim is to reduce regulatory barriers to trade between the EU and the US across an array of areas including food safety law, environmental rules, and banking regulations. Treaty advocates claim that TTIP would boost trade on both sides of the Atlantic and provide more business opportunities, leading to greater economic growth and more jobs. Consumers would benefit, they reason, from a wider variety of products and lower prices while being guaranteed that products and services meet the highest safety standards. Finally, they predict that the treaty would boost trade and income in the rest of the world.¹

Those promises and the pitches of politicians who liken TTIP to being a gift for citizens makes the treaty sound like a global economic dream come true. Slowly, however, voices are amassing from more and more critics who question whether TTIP will fulfill all those promises. From different countries and various backgrounds, they fear that the treaty may not only water down important EU regulations, but also threaten democracy and peace.

What Are the Critics Saying?

A major concern is the so-called investor-state dispute settlement (ISDS) that would be part of TTIP. An ISDS allows a corporation to sue a government over any action at any level that seeks to limit a corporation's prospective profits. Cases would be heard by an arbitration panel of trade lawyers, in a jurisdiction of the corporation's choosing, with no public access and, again, behind closed doors. This would render the process highly non-transparent. One worry is that the dispute panel would only take account of "free trade" values, disregarding public health, human rights, environmental protection, fair labor, and other social rights.² From other trade agreements that have included ISDS, for instance, the North American Free Trade Agreement (NAFTA), we have seen how ISDS frequently leads to governments having to pay corporations large sums taken from the public purse. Or, perhaps, even more disquietingly, ISDS has pushed legislation to prioritize corporate profit over citizens' wellbeing and protection, thus undermining the most basic principles of democracy.³

At the United Nations, discomfort about the practice of ISDS has been voiced. Addressing the UN General Assembly in October 2015, the UN Independent Expert on the Promotion of a Democratic and Equitable International Order focused on the adverse impacts free trade and investment agreements have on human rights. In his report, Alfred de Zayas, went so far as to call for the abolition of ISDS in trade agreements, writing:

Trade must be made to work for human rights and development and not against them. Far from contributing to human rights and development, ISDS has compromised the State's regulatory functions and resulted in growing inequality among States and within them.⁴

The main concern of TTIP critics, especially in Europe, is its impact on the continent's social standards, environmental regulations, labor rights, and food safety rules. These are areas where Europe has traditionally had very strict regulations to protect citizens, and which, according to TTIP proponents, could form so-called "regulatory barriers" that need to be reduced for the sake of profit. However, there could be other, maybe less visible consequences of such a treaty that threaten the core values of democracy, such as *gender equality*, *digital privacy*, and *sustainable peace*.

Including a Feminist Perspective in Economics

Largely absent in the debate so far has been a gender-based analysis of TTIP's possible effects. This is not very surprising as, historically, women's voices have been excluded from trade policymaking institutions and, despite numerous UN resolutions and agreements requiring gender mainstreaming in trade policies and programs, not much has changed.⁵ Feminist scholars have pointed to the discipline of economics traditionally being male-dominated, which has led to mainstream economics being defined by culturally "masculine" norms and characteristics, such as *market behavior*, *autonomy*, *growth*, and *logic*. Feminist economists therefore advocate not only giving attention to women within the field of economics, but also challenging the universal tendency to define the discipline in singularly "masculine" terms.⁶ This also means that development should be looked at more holistically, not just measured using consumption and income as market criteria or viewed through the narrow frame of growth and markets. Other worthy criteria include wellbeing and human security, particularly of those groups often ignored: minorities, the poor, and women. In studying economics, moreover, there must be an analysis of power structures within and across countries.

Incorporating a feminist perspective into economics, moreover, would require evaluating the "success" of a trade agreement in other terms. That is, whether the agreement yields desired social outcomes benefitting everyone, such as equality, social inclusion, freedom from poverty, protection of human rights, and environmental sustainability.⁷ These issues considered, there are serious concerns that TTIP prioritizes the protection of corporate profit and investors' rights over human and labor rights, the consumer, and the environment.

According to Christa Wichterich, a sociologist and member of the network Women in Development Europe (WIDE+), hierarchizing rights' holders - which the anticipated outcomes of TIPP threaten to do - would be detrimental. For starters, it would result in the further deepening of social inequalities, including that of gender. Legal provisions that respect and promote women's rights and gender equality, including the implementation of quotas for women, could be seen as those "regulatory barriers" and thus overruled by transnational corporations in pursuit of their own investment and profit interests. This is a realistic concern: the US has not ratified the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and its Optional Protocol.⁸ Such a development would seriously affect a state's democratic lawmaking freedom to enforce social and gender equality.

In a position paper on TTIP from March 2014, WIDE Austria claims that from the perspective of feminist politics, in particular, democracy is a central accomplishment and a prerequisite for a jurisdiction whose laws and enforcements are co-determined by women. It is only because of the existence of legislative precedents that women have rights to invoke and claim before a court. But to enjoy strong labor rights, strong unions are needed - for women and men.

The anti-union policies of US corporations and the pursuit of transatlantic harmonization, however, could accelerate the weakening of unions in Europe as well. This would open the door for women to be forced into low-wage jobs and precarious, atypical labor contracts that resemble exploitation.⁹

Rosan Huizenga, a member of the Dutch chapter of the Women's International League for Peace and Freedom (WILPF Netherlands), echoes other critics who are vocal about the potentially damaging effects of the trade agreement. "Don't trust, don't fear, don't beg" is her motto when it comes to her work on TTIP, she says during an interview with WPP.

Huizenga points to the trend of European governments attaching trade to development aid. She finds that "supporting sustainable development, including the promotion of human rights and security, becomes second rate," and is only high on an agenda "as long as it does not interfere with countries' growing economic ambitions and influence." Huizenga adds that "with the rise of new economic powers such as Brazil, India, and China, the fear of losing out on the world market seems to have taken over some Western countries' aid agenda."

In Huizenga's view, trade agreements such as TTIP show "how powerful the corporate sector is, as they are the major beneficiaries." She says that "the general population has not asked for such an agreement, and even did not get a space to be part in the whole negotiation process." Elaborating on her motto, Huizenga concludes:

We simply cannot trust a process where the majority of those involved have been lobbyists for the corporate sector. Naturally, they have the maximizing of their profits high on their agenda, and not human rights, labor rights, or the environment. Therefore, civil society has to mobilize and work together, without fear, and without the feeling we have to beg our governments to stop those undemocratic processes. This is our right, and as we see our rights being threatened, there is no time to waste.



Europe wide decentralized actions against TTIP, CETA and TiSA on 11 October 2014 in Vienna. By Pimages

Huizenga also emphasizes that trade agreements, such as TTIP, are a global problem that cannot be tackled merely at the national level or by a handful of civil society organizations. Instead, there is dire need for a bottom-up international movement against them. The claim is supported by De Zayas, the aforementioned UN expert who in his report called for "a moratorium on all ongoing TTIP negotiations until all parties have been consulted, including labor unions, consumer unions, health professionals, environmental experts, civil society and human rights organizations". "Otherwise," De Zayas claims, the agreements "lack every democratic legitimacy."¹⁰

WILPF International is another organization that has been advocating against TTIP for some time now, pointing out the risks. Like WIDE+, WILPF warns that any economic instability and cuts in social welfare emerging from TTIP would hurt women first, especially as women still absorb the majority of caretaking roles in society. Social security, welfare systems, and guaranteed public services are extremely important to reduce health risks and poverty.

Together they guarantee a self-determined life for women and men both.

WILPF also cautions that illegal land-grabbing, agrobusiness - in which environment and social best practices are often disregarded - and the extraction of oil, gas, and minerals are polluting land and water. In WILPF's view, TTIP embodies the opposite of what is sought out in sustainable development goals. For example, TTIP's one-direction strategy foresees cheap food exports that will destroy local markets, which essentially means enabling European companies to put farmers in the Global South at risk. As key actors managing the daily life needs of their families - and compromising the majority of small-scale farmers - women need access to clean water and safe food.¹¹ WILPF therefore demands fair trade based on human rights, democratic principles, and social, economic, gender, and climate justice.¹²

Digital Security as a Trade Barrier

The online marketing strategies of US companies - Google and Facebook, to name a couple - are leading in private data collection. They gather and analyze their users¹³ to create profiles containing data on financial status, health concerns, ethnicity, political interests, buying habits, and the technology they use.¹⁴ Through their meticulous data-gathering, companies claim not only to be able to locate users, but to predict where they are likely to go. While disturbing enough for ordinary citizens, for human and women's rights activists, use of information in this way can prove life-threatening if it ends up in the wrong hands.

US internet companies have always strongly opposed proposals empowering consumers with more control over their online information. They have lobbied against the quite rigorous EU data protection regulations. TTIP, however, could enable online marketing companies to crack these protective regulations.

TTIP's priority is to lower barriers of trade, and within the TTIP logic, privacy laws, which regulate the free flow of data, could be seen as barriers against trade. Defending the fundamental human right to privacy might be held against those warning of the danger of giving up digital privacy. In fact, TTIP critics defending privacy are now being made out as not just going against free trade, but as undermining national security as well.

While already very disconcerting in a free and fairly democratic society, for activists living in states less concerned with their citizens' human rights, this is even more worrisome. Digital profiles can become a major threat to human rights defenders, as companies might be willing to sell the data to interested parties or give in to pressure by governments asking to relinquish information on individuals considered "troublemakers."

In an article on state surveillance in East Africa, Phil Wilmot describes how governments in Africa have turned to their security partners in the Global North and - using the rhetoric of terrorism - convinced them to financially support (or at least turn a blind eye to) their rapidly developing surveillance state. They get support from Western IT companies and experts, who turn huge profits by selling governments the right technical equipment and knowledge to track down, monitor, and crush human rights activists as well as blackmail opponents.¹⁵

Sensitive data in the wrong hands can turn women rights activists into target of online abuse, sexual or otherwise, and defamation campaigns, by government agencies or other parties who oppose their work.

Geopolitical Impact

One aspect of TTIP that has not been sufficiently discussed is its geopolitical impact on peace policies. While organizations working on social and environmental issues have addressed TTIP in their national and international campaigns, the peace movement has been surprisingly

silent.

A policy brief by Clingendael, the Netherlands Institute of International Relations, states that the main reason the EU and the US want TTIP is geopolitical.¹⁶ In the brief, senior research fellow Peter van Ham outlines how the two economic forces are trying to write new global trade rules according to their own economic principles, against the rise of so-called state-regulated capitalism. He attributes this latest incarnation of capitalism to the rise of the new economic powers, predominantly in Asia, combined with the economic crisis in Europe and relative economic decline in the US.

The last 15 years have witnessed a drastic change to the global power constellations, says Tim Schumacher in a study published by Germany's Information Centre on Militarisation (IMI).¹⁷ The US has lost its position as superpower, he finds, though rather than being replaced by a single country, it has been superseded by two economic blocks: the US joined with the EU versus Asia's economic powers. According to Schumacher, these blocks are competing for the leading role in the global markets, and linked to this, economic hegemony. More than about tariff barriers, the fight is being fought about the neoliberal model of the deregulated markets and that of state capitalism. A statement made by EU Commissioner for Trade Karel De Gucht attests to this. He claims "that TTIP is about the weight of the Western, free world in world economic and political affairs."¹⁸

TTIP is therefore more than just a trade agreement. TTIP is about who has the power. In keeping with this statement, both Van Ham and Schumacher argue that TTIP would give a new meaning to NATO, which had lost its relevance after the Cold War.¹⁹ According to Van Ham, a new hierarchy is needed to indicate which countries count - that is, share the values and interests of the transatlantic West. Van Ham believes TTIP offers NATO clear guidance in making this choice and establishing the hierarchy. The agreement is not just about free trade, he finds, but uniting countries and societies that trust each other's institutions and are willing to defend their way of life against rising competitive powers.²⁰

Schumacher, in contrast, voices serious concerns about societal militarization as a possible effect of TTIP. According to his research, the EU and the US see TTIP as a concrete tool to enhance political and economic military cooperation, with the effect of strengthening NATO. But Schumacher also claims that TTIP is meant to boost armament on both sides. In a video on NATO's website, arms sector representatives express hopes that the transatlantic arms industries will join forces under the auspices of TTIP. A spokesperson of the US arms manufacturer Lockheed Martin argues in the same direction, stating that TTIP would be beneficial for arms manufacturers both in the EU and US.²¹ Officially, arms trade is excluded in TTIP, but the current provision of declaring parts of goods for "dual-use" would make it much easier to declare munitions as civil goods, which indeed fall under the regulation of the agreement.

The neoliberal argument for TTIP - that free trade will bring wealth for everyone - is therefore closely linked with discourse about the West's military domination. It enforces an "us-versus-them" polarization. This kind of argumentation, moreover, is based on a patriarchal approach to dealing with any kind of conflict, where the answer is always more military, more control, normalizing the use of dominance and, if needed, armed force. To counter this narrative, to prevent further militarization in our part of the world and beyond, peace activists, women and men, must start understanding the threats free trade agreements can pose to peace and sustainable development. TTIP, for one, could foster more investment in military industries instead of promoting the inclusive labor market, education, and healthcare systems that we desperately need.

Notes

¹ European Commission, “About TTIP: Basics, Benefits, Concerns,” updated March 19, 2015, http://ec.europa.eu/trade/policy/in-focus/ttip/about-ttip/questions-and-answers/index_en.htm.

² Stop TTIP, <http://stopttip.net/investor-state-dispute-settlement-isds> (visited September 1, 2015)

³ Ibid.

⁴ Office of the High Commissioner for Human Rights (OHCHR), “International Trade: UN Expert Calls for Abolition of Investor-State Dispute Settlement Arbitrations,” October 26, 2015 <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16650&LangID=E>.

⁵ Nilüfer Çagatay, “Trade, Gender and Poverty,” UNDP background paper 2001, 12.

⁶ Marianne A. Ferber and Julie A. Nelson, *Feminist Economics Today: Beyond Economic Man* (Chicago: University of Chicago Press, 2003: 2).

⁷ Çagatay (2001: 12).

⁸ Christa Wichterich, “Keine Chance für den TTIP-Unfrieden” http://www.cfd-ch.org/d/frieden/texte/TTIP_unfrieden.php (visited September 1, 2015)

⁹ WIDE Austria: “TTIP: What Kind of Trade Partnership and for Whose Benefit? The New Trade Agreement from a Feminist Perspective,” April 10, 2014, https://wideplusnetwork.files.wordpress.com/2014/05/ttip_wide-austria-positionpaper.pdf.

¹⁰ Office of the High Commissioner for Human Rights (OHCHR), “International Trade: UN Expert Calls for Abolition of Investor-State Dispute Settlement Arbitrations,” October 26, 2015

¹¹ Women’s International League for Peace and Freedom (WILPF), “What is TTIP?” August 2014 http://www.wilpf.de/cms/upload/pdf/whatis_TTIP-engl.pdf.

¹² http://wilpf.org/wilpf_statements/resolution-on-protecting-democracy-and-the-public-interest-from-secret-trade-agreements/ May 7, 2015

¹³ Centre for Digital Democracy, “Will the TTIP Create a ‘Made in America’ Big Data Surveillance System?” December 16, 2014 <https://www.democraticmedia.org/sites/default/files/NSATTIPHandout1217.pdf>.

¹⁴ Ibid.

¹⁵ Phil Wilmot, “How Will Activists Resist Big Brother’s Growing Presence in East Africa?” Waging Nonviolence, November 18, 2015, <http://wagingnonviolence.org/feature/will-activists-resist-big-brothers-growing-presence-east-africa>.

¹⁶ Peter van Ham, “The Geopolitics of TTIP,” October 2013, Clingendael Policy Brief No. 23 <http://www.clingendael.nl/sites/default/files/The%20Geopolitics%20of%20TTIP%20-%20Clingendael%20Policy%20Brief.pdf>.

¹⁷ Tim Schumacher, “Geopolitischer Sprengstoff: Die militärisch-machtpolitischen Hintergründe des TTIP,” IMI Studie No. 05/2014, http://www.imi-online.de/download/2014_05_TS-TTIP-web.pdf.

¹⁸ Van Ham (2013).

¹⁹ Van Ham (2013); Schumacher (2014).

²⁰ Van Ham (2013).

²¹ Schumacher (2014).